



FAIR POLITICAL PRACTICES COMMISSION

428 J Street • Suite 620 • Sacramento, CA 95814-2329

(916) 322-5660 • Fax (916) 322-0886

October 6, 2010

Bill Ferguson

**REDACTED**

Re: FPPC Case No. 10/838, Robert Livengood

Dear Mr. Ferguson:

This letter is to notify you that the Enforcement Division of the Fair Political Practices Commission (the "FPPC") will investigate the allegations, under the jurisdiction of the FPPC, of the sworn complaint you submitted in the above-referenced matter. You will receive notification from us upon final disposition of the case. However, please be advised that at this time we have not made any determination about the validity of the allegations you have made or about the culpability, if any, of the persons you identify in your complaint.

Thank you for taking the time to bring this matter to our attention.

Sincerely,

**REDACTED**

Roman G. Porter  
Executive Director

RGP: ak

cc: Robert Livengood

## SWORN COMPLAINT FORM

(Form May Be Subject to Public Disclosure)\*

AS REQUIRED BY GOVERNMENT CODE SECTION 83115, please complete the form below to file a sworn complaint with the Fair Political Practices Commission. This form must be completed in its entirety and all pertinent information must be stated on this form, not as an attachment.

Mail the complaint to:      **Enforcement Division**  
   **Fair Political Practices Commission**  
   **428 J Street, Suite 620**  
   **Sacramento, California 95814**

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### Person Making Complaint

Last name: Ferguson

First Name: Bill

Street Address:  
862 Rivera St

City:                      **REDACTED**                      State:                      \_\_\_\_\_

Zip:                      \_\_\_\_\_

Telephone:                      ( \_\_\_\_\_ ) \_\_\_\_\_

Fax:                      ( \_\_\_\_\_ ) \_\_\_\_\_

E-mail:                      \_\_\_\_\_

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### **\*IMPORTANT NOTICE**

Under the California Public Records Act (Gov. Code Section 6250 and following), this sworn complaint and your identity as the complainant may be subject to public disclosure. Unless the Chief of Enforcement deems otherwise, within three business days of receiving your sworn complaint we will send a copy of it to the persons(s) you allege violated the law.

In some circumstances, the FPPC may claim your identity is confidential, and therefore not subject to disclosure. A court of law could ultimately make the determination of confidentiality. If you wish the FPPC to consider your identity confidential, do not file the complaint before you contact the FPPC (916-322-5660 or toll free at 866-ASK-FPPC) and discuss the complaint with an Enforcement Division attorney.

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FAIR POLITICAL  
PRACTICES COMMISSION

**Description, With as Much Particularity as Possible, of Facts Constituting Alleged Violation and how you have personal knowledge that it occurred\*\***

Mr Livengood solicited and accepted 3 large contributions from 3 companies owned by the same person, in his race for state assembly in 2009. The company names are:

1. Amex Home Loans, 2. AVEX Funding and 3. S & B Milpitas, LLC

All 3 companies are owned by Badru Valani.

The 3 contributions should be aggregated. When aggregated, they total: \$9,000

This is over the legal limit of \$3,900

-- Mr Livengood did not aggregate these contributions on his Form 460, so that's a separate violation.

He also accepted 3 contributions; one from Phuong Pham individually and 2 from his/her companies. The company names are: TP Pham, LLC and Brookhurst Pham.

He received a \$2,000 contribution from Phuong Pham and a \$2,000 contribution from TP Pham, LLC on 6/8/09 (he later returned \$100, to stay below the limit)

He reported a contribution on 6/8/09 from Brookhurst, LLC, at an address of: 15751 Brookhurst, Westminster. However, there is no "Brookhurst" at this address.

I believe this company is actually "Brookhurst Pham, LLC," who Mr Livengood *Also* received a contribution from on 7/28/07. I suspect he changed the name by dropping the "Pham" and used a different address, as a way to hide this contribution. Brookhurst Pham, LLC is owned by Phuong Pham.

**\*\*Please attach copies of any available documentation that is evidence of the violation, (for example, checks, campaign materials, etc., if applicable to the complaint). Note that a newspaper article is NOT considered evidence of a violation.**

**Name and Addresses of Potential Witnesses, in addition to yourself, if Known:**

Last Name: \_\_\_\_\_

First Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_

Zip: \_\_\_\_\_ - \_\_\_\_\_

Telephone: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

Fax: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

E-mail: \_\_\_\_\_

**Complaint**

**Person or Persons who Allegedly Violated the Political Reform Act:** (If there are multiple parties involved, attach additional pages as necessary.)

Last Name: Livengood

First Name: Robert

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_

Zip: \_\_\_\_\_

Telephone: ( \_\_\_\_\_ ) \_\_\_\_\_

Fax: ( \_\_\_\_\_ ) \_\_\_\_\_ - \_\_\_\_\_

E-mail: \_\_\_\_\_

**Provision or Provisions of the Political Reform Act Allegedly Violated:** (If specific sections are not known, please provide a brief summary of the nature of the violation(s), and when it (they) occurred.) **You must state the suspected violation(s) on this form.**

Violation 1 - Over contribution limit for State Assembly race

Regulation 18545 provides a campaign contribution limit of \$3,900.

It is not legal to accept more than this amount from one person or company.

Regulation 18215.1 regarding aggregation applies to the limits. Multiple contributions from the same person, or a company controlled by that person, must be aggregated or added up.

Violation 2 - Did not aggregate, did not report aggregated totals on the Form 460.

Regulation 18215.1 requires that multiple contributions from the same person, or a company controlled by that person, must be aggregated.

Violation 3 - Reported fake company name and address -

Section 84211 requires that the correct and full name and correct address of contributors be provided.

Last Name: \_\_\_\_\_

First Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_

Zip: \_\_\_\_\_ - \_\_\_\_\_

Telephone: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

Fax: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

E-mail: \_\_\_\_\_

Last Name: \_\_\_\_\_

First Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_

Zip: \_\_\_\_\_ - \_\_\_\_\_

Telephone: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

Fax: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

E-mail: \_\_\_\_\_

**I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.**

\_\_\_\_\_  
(Signature)

September 22, 2010  
\_\_\_\_\_  
(Date)

Bill Ferguson  
\_\_\_\_\_  
(Please print your name)